

**REQUEST FOR DECLARATION OF EMERGENCY**

**REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE  
DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE  
OF A PUBLIC EMERGENCY REQUIRING THE FINAL PASSAGE OF AN  
ORDINANCE AS DESIGNATED BELOW.**

I, JEFF LONGWELL, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final passage on the date of its introduction, to wit, July 21, 2015, of an ordinance entitled:

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS, AUTHORIZING THE ISSUANCE OF ITS SALES TAX SPECIAL  
OBLIGATION REVENUE BONDS (WEST BANK STAR BOND PROJECT) FOR  
THE PURPOSE OF FINANCING CERTAIN COSTS RELATING TO THE  
RIVER DISTRICT STAR BOND PROJECT PLAN; AUTHORIZING AND  
APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN  
CONNECTION WITH THE ISSUANCE OF THE BONDS AND AUTHORIZING  
CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF  
SAID BONDS.**

The general nature of such public emergency is to enable the City to deliver the Sales Tax Special Obligation Revenue Bonds authorized by said Ordinance in a timely fashion and permit the commencement of construction of improvements related to the River District STAR Bond Project Plan.

It is, therefore, expedient at this time that the City Council finds and declares that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally passed on the date of its introduction.

**EXECUTED** at Wichita, Kansas on July 21, 2015.

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Jeff Longwell, Mayor

(Seal)

ATTEST:

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Jennifer Magaña, Director of Law and  
City Attorney

(Published in *The Wichita Eagle* on July 24, 2015)

**ORDINANCE NO. 50-043**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AUTHORIZING THE ISSUANCE OF ITS SALES TAX SPECIAL OBLIGATION REVENUE BONDS (WEST BANK STAR BOND PROJECT) FOR THE PURPOSE OF FINANCING CERTAIN COSTS RELATING TO THE RIVER DISTRICT STAR BOND PROJECT PLAN; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.**

**WHEREAS**, City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “TIF Act”) and Ordinance No. 42-966, passed December 12, 1995, and published December 15, 1995, the City Council (the “Governing Body”) of the City established a redevelopment district pursuant to the TIF Act, known as the East Bank Redevelopment District (the “TIF District”); and

**WHEREAS**, by Ordinance No. 45-339, passed June 25, 2002, and published June 29, 2002, the City removed certain property and reduced the boundaries of the TIF District pursuant to K.S.A. 12-1771(g); and

**WHEREAS**, by Ordinance No. 46-407, passed November 23, 2004, and published November 29, 2004, the City added certain property and increased the boundaries of the TIF District pursuant to K.S.A. 12-1771(f) and made a substantial change to the River District STAR Plan for the TIF District; and

**WHEREAS**, the River District STAR Plan for the District provided that redevelopment of the District would be in several project areas within the District as set forth in separate redevelopment plans to be approved by the Governing Body pursuant to the TIF Act; and

**WHEREAS**, pursuant to Ordinance No. 49-557, passed August 13, 2013, and published August 16, 2013, a non-substantial amendment to Ordinance No. 46-407 and the River District STAR Plan was made by attaching a map of the proposed project areas; and

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as subsequently re-codified in K.S.A. 12-17,160 *et seq.* (the “STAR Bond Act”) the City prepared a special bond project plan for development of the River District Corridor Improvements Project Area (the “River District Project Area”) within the TIF District, dated as of July 2007 (the “River District STAR Bond Project Plan”); and

**WHEREAS**, pursuant to the STAR Bond Act, the Secretary of the Kansas Department of Commerce (the “Secretary”): (a) determined that the River District Project Area in the TIF District constitutes a major commercial entertainment and tourism area and is therefore an “eligible area” under

the STAR Bond Act (the “Wichita River STAR Bond District”), (b) approved and designated the improvements described in the River District STAR Bond Project Plan as a “STAR bond project” within the meaning of the STAR Bond Act and (c) approved financing of certain costs of the River District STAR Bond Project Plan with STAR bond financing; and

**WHEREAS**, after complying with procedural requirements of the STAR Bond Act, by Ordinance No. 47-518, passed July 17, 2007, and published July 20, 2007, the City adopted the River District STAR Bond Project Plan for the East Bank Redevelopment District; and

**WHEREAS**, the Secretary approved the River District STAR Bond Project Plan on October 24, 2007 and authorized the issuance of STAR Bonds to finance eligible project costs in an amount not-to-exceed \$13,000,000; and

**WHEREAS**, pursuant to Ordinance No. 49-557, passed August 13, 2013, and published August 16, 2013, a non-substantial amendment to Ordinance No. 46-407 and the River District STAR Bond Project Plan was made by attaching a map of the proposed project areas; and

**WHEREAS**, the STAR Bond Act, particularly K.S.A. 12-17,166(k), authorizes the Governing Body to approve substantial changes to the River District STAR Bond Project Plan, subject to public hearing, notice of which is provided by publication at least twice in the official City newspaper; and

**WHEREAS**, the City proposed to amend the River District STAR Bond Project Plan (the “STAR Project Plan Amendment”) to include tourism facilities on the West Bank of the Arkansas River between Douglas Avenue and 1<sup>st</sup> Street North at an additional cost of approximately \$7,862,999.05 and to modify the scope of the public improvements described in the River District STAR Bond Project Plan; and

**WHEREAS**, pursuant to the STAR Bond Act, the Secretary: (a) approved and designated the improvements described in the STAR Project Plan Amendment as a “STAR bond project” within the meaning of the STAR Bond Act and (b) approved financing of certain costs of the STAR Project Plan Amendment with STAR bond financing in the amount of \$4,750,000 (exclusive of financing costs and related reserves); and

**WHEREAS**, on December 16, 2014, after providing notice required by the STAR Bond Act, a public hearing on the STAR Project Plan Amendment was opened, public comment was received by the Governing Body and the public hearing was closed; and

**WHEREAS**, by Ordinance No. 49-916, passed January 6, 2015 and a summary of which was published January 9, 2015, the Governing Body made certain findings required by the Act and approved the STAR Project Plan Amendment for the West Bank STAR Bond Project (the “Project”); and

**WHEREAS**, the City is authorized under the Act to issue special obligation revenue bonds for the purpose of financing costs to implement the STAR Project Plan Amendment; and

**WHEREAS**, the Governing Body hereby finds and determines that the financing of the Project (as defined in the hereinafter authorized Bond Indenture) by issuance of special obligation revenue bonds in the manner provided in the Act and pursuant to the provisions of the Bond Indenture, will serve one or more of the public purposes set forth in the Act and will promote, stimulate and develop the general and economic welfare of the City; and

**WHEREAS**, the Governing Body further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the City enter into certain agreements, and that the City take certain other actions and approve the execution of certain other documents as herein provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Authorization of the Bonds.** The City is hereby authorized to issue and sell its special obligation revenue bonds in the maximum aggregate principal amount of not to exceed \$4,850,000 (the "Bonds"), the proceeds of which will be used to: (a) finance a portion a portion of the costs of the Project; and (b) pay costs of issuing the Bonds. The Bonds shall be issued and secured pursuant to the herein authorized Bond Indenture and shall bear such dates, shall be in such denominations, shall be in such forms, shall mature on the dates and in the principal amounts, shall bear interest at a fixed rate which shall not exceed amounts set forth in K.S.A. 10-1009 and shall be subject to redemption on the dates and in the principal amounts as provided in the Bond Indenture, and shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are approved by the Secretary, all as set forth in the Bond Indenture. Pursuant to the Act, the provisions of the Bond Indenture referenced above are being expressly authorized by this ordinance and incorporated herein by reference.

The Bonds, together with interest thereon, are not general obligations of the City but are limited obligations payable solely from the trust estate pledged to the payment thereof under the Bond Indenture and shall be a valid claim of the respective holders thereof only against the trust estate and other moneys held by the Trustee and the revenues so pledged as aforesaid. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Bond Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the City, the State of Kansas or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor. Nothing in the Bonds, the Bond Indenture, the proceedings of the City authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the City, the State of Kansas or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

**Section 2. Authorization and Approval of Documents.** The following documents are hereby approved in substantially the forms presented to and reviewed by the City at this meeting (copies of which documents shall be filed in the records of the City), and the City is hereby authorized to execute and deliver each of such documents to which the City is a party (the "City Documents") with such changes therein as shall be approved by the officer or officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the City's ratification or approval thereof:

(a) Bond Trust Indenture dated as of the date stated therein (the "Bond Indenture") between the City and Security Bank of Kansas City, as trustee (the "Trustee").

(b) Wichita River STAR Bond District Tax Distribution Agreement dated as of the date stated therein among the City, the Trustee and the Treasurer of the State of Kansas.

(c) Tax Compliance Agreement dated as of the date stated therein between the City and the Trustee, relating to the Bonds.

**Section 3. Execution of Bonds and Documents.** The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for

and on behalf of and as the act and deed of the City in the manner provided in the Bond Indenture. The Mayor or Vice Mayor of the City is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, and the City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the City Documents and such other documents, certificates and instruments as may be necessary.

**Section 4. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, deeds, agreements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the transactions contemplated therein and to carry out, comply with and perform the duties of the City with respect to the Bonds and the City Documents, including, but not limited to, agreements with respect to the investment of any funds held under the Bond Indenture. Springsted Incorporated, the City's financial advisor, and Gilmore & Bell, P.C., the City's bond counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the intent of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall take effect and be in full force after its adoption by the City and publication once in the official newspaper of the City.

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**PASSED** by the City Council of the City on July 21, 2015 and **SIGNED** by the Mayor.

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Jeff Longwell, Mayor

(Seal)

ATTEST:

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Jennifer Magaña, Director of Law and  
City Attorney

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## CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 50-043 (the "Ordinance") of the City of Wichita, Kansas (the "City"); that said Ordinance was passed by the City Council on July 21, 2015, that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; that the Ordinance or a summary thereof was published in ***The Wichita Eagle*** on July 24, 2015; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: July 24, 2015.

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Karen Sublett, City Clerk

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(PUBLISHED IN *THE WICHITA EAGLE* ON JULY 24, 2015)

**SUMMARY OF ORDINANCE NO. 49-[ ]**

On July 21, 2015, the City Council of the City of Wichita, Kansas (the “City”) passed an ordinance entitled:

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AUTHORIZING THE ISSUANCE OF ITS SALES TAX SPECIAL OBLIGATION REVENUE BONDS (WEST BANK STAR BOND PROJECT) FOR THE PURPOSE OF FINANCING CERTAIN COSTS RELATING TO THE RIVER DISTRICT STAR BOND PROJECT PLAN; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.**

The Series 2015 Bonds approved by the Ordinance are being issued in the principal amount of not to exceed \$4,850,000 to finance certain eligible land acquisition, landscaping, infrastructure and water features along the west bank of the Arkansas River in order to implement the River District STAR Bond Project Plan approved by the Governing Body of the City and approved by the Secretary of the Kansas Department of Commerce. The Series 2015 Bonds do not constitute general obligations of the City, but are payable from certain pledged sales tax revenues as further described in the Ordinance. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.wichita.gov](http://www.wichita.gov).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: July 21, 2015.

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Jennifer Magaña, Director of Law  
and City Attorney